

MESSAGE NO: 9258202 MESSAGE DATE: 09/15/2009

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-475-818

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/01/2008 TO 06/30/2009

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA FROM ITALY (A-475-818), EXCEPT A-475-818-029/034/037/ 038 OR SOME A-475-818-000.

MESSAGE NO: 9258202

DATE: 09 15 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 475 - 818

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PERIOD COVERED: 07 01 2008 TO 06 30 2009

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA

FROM ITALY (A-475-818), EXCEPT A-475-818-029/034/037/

038 OR SOME A-475-818-000.

1. COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING FINDINGS/DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED PURSUANT TO SECTION 751(a)(1) OF THE TARIFF ACT OF 1930, AS AMENDED, AND IN ACCORDANCE WITH SECTION 351.213 OF COMMERCE'S REGULATIONS.

2. COMMERCE HAS NOT RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY FINDING/ORDER FOR THE PERIODS AND ON THE MERCHANDISE LISTED BELOW, EXCEPT FOR THE FIRMS

NOTED. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF COMMERCE'S REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE DATE OF ENTRY.

PRODUCT: CERTAIN PASTA

COUNTRY: ITALY

CASE NUMBER: (A-475-818)

PERIOD: 07/01/2008-06/30/2009

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT:

COMPANY: INDUSTRIA ALIMENTARE COLAVITA S.P.A.

CASE NUMBER: A-475-818-029

COMPANY: P.A.M. S.P.A. (FORMERLY P.A.M. S.R.L.)

CASE NUMBER: A-475-818-034

COMPANY: ITALIAN AMERICAN PASTA COMPANY (IAPC)/PASTA LENSEI

CASE NUMBER: A-475-818-037

COMPANY: PASTIFICIO LUCIO GAROFALO S.P.A.

CASE NUMBER: A-475-818-038

COMPANY: DOMENICO PAONE FU ERASMO, S.P.A.

CASE NUMBER: (ENTRIES MAY HAVE COME IN UNDER A-475-818-000)

COMPANY: EURO-AMERICAN FOODS GROUP, INC.

CASE NUMBER: (ENTRIES MAY HAVE COME IN UNDER A-475-818-000)

COMPANY: FASOLINO FOODS COMPANY, INC.

CASE NUMBER: (ENTRIES MAY HAVE COME IN UNDER A-475-818-000)

COMPANY: PASTIFICIO ATTILIO MASTROMAURO-PASTA GRANORA S.R.L.
(GRANORO)

CASE NUMBER: (ENTRIES MAY HAVE COME IN UNDER A-475-818-000)

3. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

4. ENTRIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER THE COMPLETION OF THE ANTIDUMPING REVIEW. CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRIES OF ALL MERCHANDISE EXPORTED AND PRODUCED BY THE LISTED FIRMS , AND ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

5. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 07/01/2008 THROUGH 06/30/2009 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW FOR THE 07/2009 ANNIVERSARY MONTH (74 FR 42873, 08/25/2009). FOR ALL OTHER SHIPMENTS OF CERTAIN PASTA FROM ITALY YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION.

THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS

DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS.
THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR
TO LIQUIDATION OF THE ENTRY.

IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE
MANUFACTURER, PRODUCER, SELLER OR EXPORTER TO BE REIMBURSED
ANTIDUMPING AND/OR COUNTERVAILING DUTIES, CBP SHOULD DOUBLE THE
ANTIDUMPING AND/OR INCREASE THE ANTIDUMPING DUTY BY THE AMOUNT OF
THE COUNTERVAILING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED
REGULATION.

ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT
STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT
AND DOUBLE THE ANTIDUMPING AND/OR COUNTERVAILING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP
OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE
CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD
OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE
ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984
OR (203) 482-3577 RESPECTIVELY (GENERATED BY O3:GL).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party